

ESTTA Tracking number: **ESTTA326678**

Filing date: **01/13/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190278
Party	Defendant Harmonic Drive L.L.C.
Correspondence Address	Bassam N. Ibrahim Buchanan Ingersoll & Rooney PC 1737 King Street Alexandria, VA 22314-2727 UNITED STATES lloyd.smith@bipc.com
Submission	Other Motions/Papers
Filer's Name	S. Lloyd Smith
Filer's e-mail	lloyd.smith@bipc.com
Signature	/SLS/
Date	01/13/2010
Attachments	91190278MOTION.pdf ( 3 pages )(106294 bytes )

Opposer's Motion for Summary Judgment filed with the Board on December 9, 2009 did not include a certificate of service, signed by Opposer, Opposer's attorney, or authorized representative that confirmed service of process by stating the name and address of the party upon which the document was served, the date service was made, and the manner in which service was made. Further, in Opposer's filing of its Motion for Summary Judgment with the

Board, Opposer did not include a Certificate of Service with the electronically-filed document. Applicant received a copy of Opposer's Motion for Summary Judgment on December 10, 2009 and respectfully requests that the Board grant this Motion to Strike because, without proper service of the Motion for Summary Judgment on Applicant, Applicant is unable to determine the actual deadline for responding to Opposer's Motion.

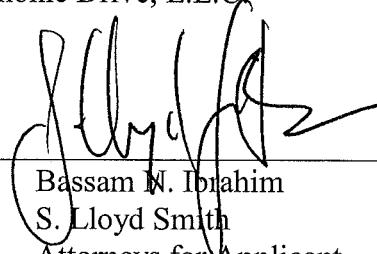
On December 11, 2009, Applicant and Opposer's counsel, Michael J. Feigin, communicated via email concerning the Motion for Summary Judgment prior to Applicant reviewing the document for sufficiency, and Applicant was granted a 30-day extension of time to respond to Opposer's motion by Opposer's counsel. On December 16, 2009, Opposer's counsel again confirmed the 30-day extension of time. As Opposer's Motion was not properly served on Applicant, Applicant is also unable to determine the appropriate date for purposes of calculating the 30-day extension of time. Accordingly, Applicant respectfully requests the Board grant Applicant's Motion to Strike Opposer's Motion for Summary Judgment and not consider the Motion.

Pursuant to TBMP § 510.03(a), Applicant also requests suspension of the present proceeding while the Board considers the Motion to Strike. Further, should the Board deny Applicant's Motion to Strike, Applicant requests 30 days to respond to Opposer's Motion for Summary Judgment.

Respectfully submitted,

Harmonic Drive, L.L.C.

By:



Bassam W. Ibrahim

S. Lloyd Smith

Attorneys for Applicant

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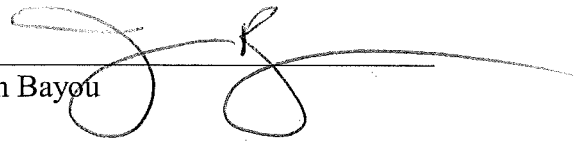
Telephone: 703-836-6620

Date: January 13, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **MOTION TO STRIKE OPPOSER'S  
MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT  
THEREOF AND TO SUSPEND PROCEEDING WHILE THE BOARD CONSIDERS  
MOTION** was served this 13th day of January, 2010 by first-class mail, postage prepaid, on:

Michael J. Feigin  
Law Firm of Michael J. Feigin, Esq.  
103 The Circle  
Passaic, NJ 07055

  
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Jean Bayou